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2      Entered on Docket  
3      July 09, 2009  
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A handwritten signature in black ink, appearing to read "R. B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

5      **LEWIS AND ROCA LLP**

6      Rob Charles (NV 6593)  
7      John Hinderaker (AZ 018024)  
8      3993 Howard Hughes Parkway, Ste. 600  
9      Las Vegas, Nevada 89169-5996  
10     Telephone (520) 629-4427  
11     Facsimile (520) 879-4705  
12     Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
13     [jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)

14     *Attorneys for USACM Liquidating Trust*

15      **UNITED STATES BANKRUPTCY COURT**

16      **DISTRICT OF NEVADA**

17     In re:

18     USA COMMERCIAL MORTGAGE COMPANY,  
19     USA CAPITAL REALTY ADVISORS, LLC,  
20     USA CAPITAL DIVERSIFIED TRUST DEED  
21     FUND, LLC,  
22     USA CAPITAL FIRST TRUST DEED FUND, LLC,  
23     USA SECURITIES, LLC,

Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

24      **CHAPTER 11**

25      Jointly Administered Under  
26      Case No. BK-S-06-10725 LBR

27      **ORDER SUSTAINING OBJECTION OF  
28      USACM TRUST TO PROOFS OF CLAIM  
29      OF TERI MELVIN AS FILED  
30      PARTIALLY IN WRONG DEBTOR'S  
31      CASE; DUPLICATIVE CLAIMS; AND  
32      OBJECTION OF DTDF TO PROPOSED  
33      ALLOWANCE OF CLAIM**

34      Hearing Date: June 26, 2009  
35      Hearing Time: 9:30 a.m.

36      **Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

37      The Court having considered the "Objection of USACM Trust to Proofs of Claim  
38      of Teri Melvin As Filed Partially in Wrong Debtor's Case; Duplicative claims; and  
39      Objection of DTDF to Proposed Allowance of Claim" [Docket No. 7023] (the



1 "Objection"); with appropriate notice of the Objection having been given; with no  
2 response to the Objection having been filed; and good cause appearing:

3 **IT IS HEREBY ORDERED** that:

- 4 1. The Objection is sustained;
- 5 2. \$192,189.29 of Melvin's claim 10725-02421 filed in the amount of  
6 \$613,561.41 against USACM is disallowed; any proposed allowance  
7 of Melvin's claim in the USA Capital Diversified Trust Deed Fund  
8 ("DTDF") case is disallowed, Melvin is allowed to retain an equity  
9 interest in DTDF in the amount of \$192,189.29 as reflected in the  
10 books and records of DTDF as of April 13, 2006, and the balance of  
11 this claim is disallowed on the ground that it is duplicative of claim  
12 10725-02351 or was previously disallowed by order of this Court;
- 13 3. Melvin's claim 10725-02348 filed in amount of \$197,669.94 is  
14 disallowed in its entirety on the ground that it is duplicative of claim  
15 10725-02351;
- 16 4. Melvin's claim 10725-02349 filed in amount of \$100,000.00 is  
17 disallowed in its entirety on the ground that it is duplicative of claim  
18 10725-02351;
- 19 5. Nothing in this order should prejudice the rights of USACM Trust to  
20 file further objections to any portion of the Melvin claims.

21 PREPARED AND RESPECTFULLY SUBMITTED BY:

22 **LEWIS AND ROCA LLP**

23 By /s/ John Hinderaker (018024)

24 Rob Charles

John Hinderaker

25 3993 Howard Hughes Parkway, Ste. 600  
26 Las Vegas, Nevada 89169-5996

Telephone: (520) 629-4427

Facsimile: (520) 879-4705

27 Attorneys for USACM Liquidating Trust



1 In accordance with Local Rule 9021, the undersigned certifies:

2  The Court waived the requirements of LR 9021.

3  No parties appeared or filed written objections, and there is no trustee appointed  
4 in this case.

5  I have delivered a copy of this proposed order to all counsel who appeared at the  
6 hearing, any unrepresented parties who appeared at the hearing, and any trustee  
7 appointed in this case, and each has approved or disapproved the order, or failed  
to respond, as indicated below (list each party and whether the party has  
approved, disapproved, or failed to respond to the document):

8 U.S. Trustee: August Landis	
9 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
10 <input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
11 Other Party:	
12 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
13 <input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

14 #####

15 Submitted by:

16 **LEWIS AND ROCA LLP**

18 By: /s/ JH (#018024)

19 Rob Charles

20 John Hinderaker

21 *Attorneys for USACM Liquidating Trust*

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